



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Daniel Gregorich
Application No.:	10/749170
Filed:	December 30, 2003
For:	Stent to be Deployed on a Bend
Group Art Unit:	Not Assigned

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: S63.2B-11233-US01

**TRANSMITTAL LETTER**

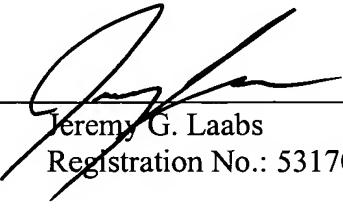
1. In regard to the above-identified application, in addition to this 2 page transmittal letter, we are submitting the attached:  
**6 Pg Supplemental Information Disclosure Statement; 1 Reference; and Return Postcard.**
2. With respect to fees:  
 No additional fee is required.  
 Attached is check(s) in the amount of \$  
 Charge additional fee to our Deposit Account No. 22-0350.
3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**  
This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the

Commissioner, please charge the additional fees to Deposit Account No. 22-0350. Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: April 8, 2004

By: 

Jeremy G. Laabs  
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**Certificate Under 37 CFR 1.8:** I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to Mail Stop       , Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450, on April 8, 2004.

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Mary C. Granger



PATENT

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Listed below or on an attached form listing the cited references and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, *except that* U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If the form listing the cited references or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is prior art, or is or is considered to be, material to patentability as defined in §1.56.

Applications that are listed on the accompanying form listing the cited references as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the form listing the cited references and/or 892 forms from these cases.

**I.** This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. §1.97(b) or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- (1) within 3 months of the filing date of the application (other than a CPA); or
- (2) within 3 months of entry of the national stage; or
- (3) before the mailing of a first Office Action on the merits;
- (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- (5) as part of a continued prosecution application (CPA); or
- (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

**II.** This statement is believed to require a fee or the submission of a certification under 37 C.F.R. §1.97 (c) or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

- (1) a certification as specified in §1.97(e) is provided below; or
- (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

III. 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- (1) a certification as specified in §1.97(e) is completed below; and
- (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

X **IV. Fee Authorization.** If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

*If paragraph II.1 or III is checked, also check one of the paragraphs below*

       I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

       This communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

       I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

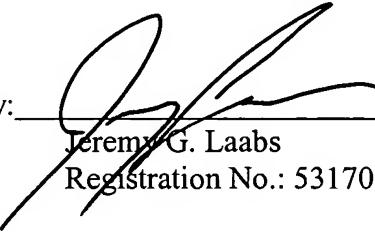
*For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.*

If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: April 8, 2004

By: 

Jeremy G. Laabs  
Registration No.: 53170

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001

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<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)</b>		ATTY DOCKET NO.: S63.2B-11233-US01		APPLICATION NO.: 10/749170	
		APPLICANT: Daniel Gregorich			
		FILING DATE: December 30, 2003		GROUP: Not Assigned	
REFERENCE DESIGNATION		U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS			
EXAM'S INIT.	DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE
	AA US2002/0007211 A1	01/17/2002	Pinchasik et al.	623/1.16	05/25/2001
	AB US2002/0007212 A1	01/17/2002	Brown et al.	623/1.16	06/11/2001
	AC US2003/0100941 A1	05/29/2003	Fischell et al.	623/1.16	01/10/2003
	AD US2003/0109918 A1	06/12/2003	Walak et al.	623/1.18	11/26/2002
	AE 5,411,552	05/02/1995	Andersen et al.	623/2	06/14/1994
	AF 5,593,442	01/14/1997	Klein	623/12	06/05/1995
	AG 5,653,727	08/05/1997	Wiktor	606/195	01/18/1996
	AH 5,755,770	05/26/1998	Ravenscroft	623/1	05/26/1998
	AI 5,824,046	10/20/1998	Smith et al.	623/1	09/27/1996
	AJ 5,827,321	10/27/1998	Roubin et al.	606/195	02/07/1997
	AK 5,843,175	12/01/1998	Frantzen	623/1	06/13/1997
	AL 5,895,406	04/20/1999	Gray et al.	606/198	12/20/1996
FOREIGN PATENT DOCUMENTS					
	DOCUMENT NUMBER	DATE	COUNTRY		
BA	WO03/03498A1	10/26/2001	PCT		
BB					
BC					
BD					
BE					
OTHER ART (Including Author, Title, Date, Pertinent Pages, Ect.)					
CA					
CB					
CC					
EXAMINER		DATE CONSIDERED			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					

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REFERENCE DESIGNATION		U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS			
EXAM'S INIT.	DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE
	AA 5,938,682	08/17/1999	Hojeibane et al.	606/198	09/22/1997
	AB 5,972,018	10/26/1999	Israel et al.	606/198	02/19/1998
	AC 5,980,553	11/09/1999	Gray et al.	606/198	04/07/1997
	AD 6,033,433	03/07/2000	Ehr et al.	623/1	04/25/1997
	AE 6,068,656	05/30/2000	Von Oepen	623/1.17	05/15/1998
	AF 6,113,627	09/05/2000	Jang	623/1	02/01/1999
	AG 6,132,460	10/17/2000	Thompson	623/1.15	03/27/1998
	AH 6,132,461	10/17/2000	Thompson	623/1.15	04/29/1998
	AI 6,231,598 B1	05/15/2001	Berry et al.	623/1.15	09/24/1998
	AJ 6,261,319 B1	07/17/2001	Kveen et al.	623/1.15	07/08/1998
	AK 6,326,826 B1	12/04/2001	Vardi et al.	623/1.35	06/04/1999
	AL 6,334,870 B1	01/01/2002	Ehr et al.	623/1.16	09/03/1999
	AM 6,340,366 B2	01/22/2002	Wijay	623/1.13	12/08/1998
	AN 6,352,552 B1	03/05/2002	Levinson et al.	623/1.15	05/02/2000
	AO 6,355,057 B1	03/12/2002	DeMarais et al.	623/1.15	04/06/1999
	AP 6,454,795 B1	09/24/2002	Chuter	623/1.15	08/17/1999
	AQ 6,478,816 B2	11/12/2002	Kveen et al.	623/1.15	07/13/2001
	AR 6,497,723 B1	12/24/2002	Starck et al.	623/1.15	09/09/1997
	AS 6,506,211 B1	01/14/2003	Skubitz et al.	623/1.15	11/13/2000
	AT 6,602,282 B1	08/05/2003	Yan	623/1.15	05/04/2000
	AU				
	AV				
	AW				
	AX				
	AY				
	AZ				
EXAMINER		DATE CONSIDERED			
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